reckon a period of service at an enhanced value for the purposes of calculating a benefit under the local Act scheme, aggregation of the additional years of service or other period of service (at the length at which it would have counted if payment had been completed under the local Act scheme) is made conditional on continuation of payments by the employee.

1954 No. 1241 (S. 115)

The Local Government Superannuation (Reckoning of Service on Transfer) (Scotland) Regulations, 1954

Made - - - -	22*nd September*, 1954
Laid before Parliament	27*th September*, 1954
Coming into Operation	1*st October*, 1954

In exercise of the powers conferred on me by paragraph (*b*) of subsection (1) of section 13 and subsection (6) of section 31 of the Local Government Superannuation (Scotland) Act, 1937(**a**), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation and Commencement

1.—(1) These regulations may be cited as the Local Government Superannuation (Reckoning of Service on Transfer) (Scotland) Regulations, 1954, and shall come into operation on the first day of October, 1954.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them—

"the Act of 1937" means the Local Government Superannuation (Scotland) Act, 1937;

"the Act of 1953" means the Local Government Superannuation Act, 1953(**b**);

"added years" means years added to a local Act contributor's service under any provision of a local Act scheme corresponding to regulation 12 of the benefits regulations, or which under a local Act scheme are reckonable as if they had been added under any such provision as aforesaid;

"non-contributing service" means non-contributing service as defined in the relevant local Act scheme;

"the benefits regulations" means the Local Government Superannuation (Benefits) (Scotland) Regulations, 1954(**c**).

(2) The Interpretation Act, 1889(**d**), applies to the interpretation of these regulations as though these regulations and the regulations hereby revoked were Acts of Parliament.

Revocation

3. The Local Government Superannuation (Reckoning of Service on Transfer) (Scotland) Regulations, 1939(**e**), are hereby revoked:

Provided that in the case of a person who has ceased to be a local Act contributor and has become a contributory employee before the date of coming into operation of these regulations account shall be taken under para-

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(**a**) 1 Edw. 8 & 1 Geo. 6. c. 69. (**b**) 1 & 2 Eliz. 2. c. 25.
(**c**) S.I. 1954/1059, p. 1632 above. (**d**) 52 & 53 Vict. c. 63.
(**e**) S.R. & O. 1939/577 (Rev. XVII, p. 896: 1939 II, p. 2586).

graph (*b*) of subsection (1) of section 13 of the Act of 1937 of his previous service in the manner in which account would have been taken of that service if these regulations had not been made.

Reckoning of service

4. Subject as hereinafter provided, where a local Act contributor under a local authority ceases to be employed by that authority but within twelve months after so ceasing (or, if he is a person to whom section 6 of the Superannuation (Miscellaneous Provisions) Act, 1848(**a**), applies, within five years after so ceasing, or such longer period as the Secretary of State may, in any particular case, allow) becomes a contributory employee under another local authority, he shall be entitled to aggregate with any service which he may become entitled to reckon as contributing service in relation to the employment as respects which he becomes such a contributory employee, all service (other than non-contributing service) which in relation to his former employment would have been reckonable as service or as a period of contribution for the purpose of calculating a benefit payable to him under the local Act scheme if at the date when he ceased to hold his former employment he had been entitled to that benefit, and for the purpose of aggregating that service as aforesaid it shall be reckoned at the length at which it would have been reckonable for the purpose of calculating a benefit under the local Act scheme:

Provided that—

(*a*) if at the time he ceased to be employed he was in the course of making payments in respect of added years those years shall not be reckonable as contributing service except in accordance with regulation 5 of these regulations;

(*b*) if at the time he ceased to be employed he was in the course of making payments in respect of any period of service as a condition of being entitled to reckon that period as service or as a period of contribution for the purposes of the local Act scheme that period shall not be reckonable as contributing service except in accordance with regulation 6 of these regulations;

(*c*) if at the time he ceased to be employed he was in the course of making payments in respect of any period of service or period of contribution under the local Act scheme as a condition of increasing the length at which that period would be reckonable for the purpose of calculating a benefit under the local Act scheme that period shall be reckonable as contributing service at the length at which it would have been reckonable if no such payments as aforesaid had been made and shall not otherwise be reckonable as contributing service except in accordance with the said regulation 6.

Payments in respect of added years

5.—(1) The following provisions of this regulation shall apply if the employee pursuant to the provisions of the local Act scheme was, at the time when he ceased to be employed by the local Act authority, in the course of making payments in respect of added years.

(2) If the employee notifies the employing authority in writing within three months after the date on which he becomes a contributory employee that he desires this paragraph to apply to him and pays to the appropriate administering authority an amount equal to any sum which on his ceasing to serve under the local Act authority was paid to him by way of return of any such

(a) 11 & 12 Geo. 6. c. 33.

payments as are referred to in the last foregoing paragraph, then, if he makes payments to the appropriate superannuation fund equal to the payments which he would have been liable to make to the superannuation fund maintained by the local Act authority had the local Act scheme been applicable to him in his new employment at the times at which and in the manner in which payments would have become due under the local Act scheme, he shall be entitled to have the added years reckoned as contributing service:

Provided that the added years shall not be reckonable as contributing service if the employee left the employment of the local Act authority in such circumstances that in consequence of a resolution of the local Act authority he ceased to be entitled to reckon the added years.

Additional contributory payments

6.—(1) The following provisions of this regulation shall apply if, in relation to part of any such service as is mentioned in regulation 4 of these regulations or in relation to any non-contributing service, the employee pursuant to the provisions of the local Act scheme was, at the time when he ceased to be employed by the local Act authority, in the course of making payments (otherwise than in respect of added years) by way of—

(*a*) instalments in discharge of a fixed sum ; or

(*b*) contributions of a fraction or percentage of emoluments additional to the percentage payable in respect of current service,

as a condition of being entitled to reckon the service in relation to which those payments were being made (hereinafter referred to as " the said service ") as a period of service or a period of contribution for the purposes of the local Act scheme or as a condition of increasing the length at which the said service would be reckonable as a period of service or a period of contribution for the purposes of calculating a benefit under the local Act scheme.

(2) If the employee notifies the employing authority in writing within three months after the date on which he becomes a contributory employee that he elects to make payments in pursuance of the provisions of this regulation and pays to the appropriate administering authority an amount equal to any sum which on his ceasing to serve under the local Act authority was paid to him by way of return of any such payments as are referred to in the last foregoing paragraph, then paragraphs 2, 4 (except sub-paragraphs (*c*) and (*d*)) and 6 of the Second Schedule to the benefits regulations shall apply as if—

(*a*) in a case to which sub-paragraph (*a*) of the last preceding paragraph applies, the aggregate amount of the unpaid instalments ; or

(*b*) in a case to which sub-paragraph (*b*) of the last preceding paragraph applies, the capital value of the outstanding liabilities, as certified by an actuary appointed by the local Act authority,

were a sum payable under the said Schedule in respect of the said service, and if payment is made in accordance with the aforesaid provisions of the said Schedule the said service shall be reckonable as a period of contributing service in the manner in which it would have been reckonable under these regulations if the payments had been completed before the employee left the employment in which he was a local Act contributor.

Dated this 22nd day of September, nineteen hundred and fifty-four.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations, which supersede the Local Government Superannuation (Reckoning of Service on Transfer) (Scotland) Regulations, 1939, prescribe the manner in which account is to be taken of previous service in computing the contributing service of a local government employee who, within 12 months after leaving employment in which he was a local Act contributor (or within any longer period allowed under section 6 of the Superannuation (Miscellaneous Provisions) Act, 1948), becomes a contributory employee. The Regulations provide in general for the aggregation with contributing service in his new employment of service which the employee would have been entitled to reckon as service or as a period of contribution for the purpose of calculating a benefit under the local Act scheme if he had been entitled to a benefit when he left his old employment. If, however, the employee was buying the right to reckon additional years of service, the right to reckon as service or as a period of contribution for the purposes of the local Act scheme a period not otherwise reckonable, or the right to reckon a period of service at an enhanced value for the purpose of calculating a benefit under the local Act scheme, aggregation of the additional years of service or other period of service (at the length at which it would have counted if payment had been completed under the local Act scheme) is made conditional on continuation of payments by the employee.

1954 No. 1238

The Local Government Superannuation (Reduction and Adjustment of Superannuation Allowance) Regulations, 1954

Made - - - -	*20th September*, 1954
Laid before Parliament	*24th September*, 1954
Coming into Operation	*1st October*, 1954

The Minister of Housing and Local Government, in exercise of his powers under subsection (2) of section 31 and subsection (6) of section 36 of the Local Government Superannuation Act, 1937(a), as amended by the Local Government Superannuation Act, 1953(b), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Local Government Superannuation (Reduction and Adjustment of Superannuation Allowance) Regulations, 1954, and shall come into operation on the first day of October, 1954.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them—

"the Act of 1937" means the Local Government Superannuation Act, 1937;

"the Act of 1946" means the National Insurance Act, 1946(c);

(a) 1 Edw. 8 & 1 Geo. 6. c. 68. (b) 1 & 2 Eliz. 2. c. 25.
(c) 9 & 10 Geo. 6. c. 67.